

IN THE UTAH COURT OF APPEALS

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S.F. and K.F., in the)	MEMORANDUM DECISION
interest of S.W., a person)	(Not For Official Publication)
under eighteen years of age.)	
_____)	Case No. 20060547-CA
)	
J.O.,)	F I L E D
)	(August 17, 2006)
Appellant,)	
)	2006 UT App 347
v.)	
)	
S.F. and K.F.,)	
)	
Appellees.)	

Third District Juvenile, Tooele Department, 472305
The Honorable Christine S. Decker

Attorneys: Wayne A. Freestone, Sandy, for Appellant
Jared G. Coleman, Salt Lake City, for Appellees

Before Judges Bench, Billings, and Thorne.

PER CURIAM:

J.O. (Mother) appeals the termination of her parental rights in S.W. We affirm.

Mother asserts there was insufficient evidence to support termination of her parental rights. A juvenile court's findings of fact will not be overturned unless clearly erroneous. See In re E.R., 2001 UT App 66, ¶11, 21 P.3d 680. A finding of fact is clearly erroneous only when, in light of the evidence supporting the finding, it is against the clear weight of the evidence. See id. Additionally, a juvenile court has broad discretion regarding judgments, based on the juvenile court's specialized experience and training, as well as its ability to judge credibility firsthand. See id. In reviewing an order terminating parental rights, this court "will not disturb the juvenile court's findings and conclusions unless the evidence clearly preponderates against the findings as made or the court

has abused its discretion." In re R.A.J., 1999 UT App 329, ¶6, 991 P.2d 1118.

Additionally, pursuant to section 78-3a-407, the finding of any single ground is sufficient to warrant termination of parental rights. See Utah Code Ann. § 78-3a-407(1) (Supp. 2006) (providing the court may terminate all parental rights if it finds any one of grounds listed); In re F.C. III, 2003 UT App 397, ¶6, 81 P.3d 790 (noting any single ground is sufficient to terminate parental rights). As a result, if there is sufficient evidence to support any one of the grounds for termination found by the juvenile court, the termination of Mother's rights is appropriate.

The juvenile court found abandonment, neglect, and unfitness as grounds for termination. See Utah Code Ann. § 78-3a-407(1). The court specifically found that Mother had abandoned S.W. because she had failed to show the normal interest of a natural parent in her child. See id. § 78-3a-408(1)(c) (Supp. 2006). It is prima facie evidence of abandonment that a parent has "failed to have shown the normal interest of a natural parent, without just cause." Id.

The juvenile court found that Mother had failed to make any significant contact with S.W. after July 2005. She attempted one phone call, but was not available when S.W. called back. The court found the Christmas presents and birthday card to be token efforts, minimal over the course of almost one year. The court determined that given this level of effort, Mother had failed to show the normal interest of a parent, thus supporting a conclusion of abandonment. These findings are well supported by the evidence. The testimony at trial clearly established Mother's minimal contact with S.W. after July 2005.

Furthermore, the evidence was sufficient to support the findings regarding neglect and unfitness. In determining whether a parent is unfit or has neglected a child, the juvenile court shall consider "habitual or excessive use of intoxicating liquors, controlled substances, or dangerous drugs that render the parent unable to care for the child." Id. § 78-3a-408(2)(c). The evidence showed that Mother frequently used drugs while S.W. was present and failed to properly care for him. Mother's drug use negatively affected her ability to parent. It contributed to her multiple incarcerations for probation violations, resulting in prolonged absences from S.W.'s life and an unstable environment. In sum, the evidence was indeed sufficient to support the juvenile court's findings of neglect and unfitness.

The evidence was sufficient to support the termination of Mother's parental rights on various grounds. As a result, the termination order is affirmed.

Russell W. Bench,
Presiding Judge

Judith M. Billings, Judge

William A. Thorne Jr., Judge